

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	Case No. 2:22-mj-00581-EJY
Plaintiff,)	
)	
vs.)	
)	
BRENNAN BENNETT)	
)	
Defendants.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the Stipulation of counsel, and good cause appearing, the Court finds that:

1. On October 6, 2022, Defendant Bennett appeared for Initial Appearance and Arraignment, and pleaded not guilty to the Complaint in this matter. This matter was set for a bench trial on December 14, 2022. (ECF No. 5.)

2. The parties request at least a 30-day continuance of the trial date to allow for preparation for trial, taking into account counsels' trial and other schedules. In addition, defense counsel will be out of town on a family matter on the presently set date of the trial.

3. Defendant Bennett is released on his own recognizance pending trial, and agrees to the continuance requested herein.

4. The additional time requested by this agreed motion is also excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C. §3161(h)(1)(A); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i), and §3161(h)(7)(B)(iv).

5. This is the first request for a continuance of the trial date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity

1 within which to be able to effectively and thoroughly prepare for trial, taking into account the
2 exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C.
4 §3161(h)(1); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under Title 18,
5 U.S.C. §3161(h)(7)(B), §3161(h)(7)(B)(i) and §3161(h)(7)(B)(iv).

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9 **ORDER**

10 **IT IS HEREBY ORDERED** that the trial currently scheduled for December 14, 2022, be
11 vacated and continued to January 18, 2023, at 9:00 a.m. in Courtroom 3D.

12 Dated: December 12, 2022

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14 ELAYNA J. YOUCHAH
15 UNITED STATES MAGISTRATE JUDGE
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